IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Crl.Rev.Pet.No. 2741 of 2003()

CRA.258/2002 of SESSIONS COURT, KOTTAYAM
ST.95/1999 of JUDL.MAGISTRATE OF FIRST CLASS-II, KANJIRAPPALLY

.....

REVN. PETITIONER: APPELLANT/ACCUSED:

P.S. JOSEPH, PADANILATHU HOUSE,
VAZHAKKALA, ERUMELY, KOTTAYAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: RESPONDENT/COMPLAINANT:

THE DRUGS INSPECTOR, KOTTAYAM
REPRESENTED BY PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.2741 of 2003

Dated this the 26th day of July, 2007

O R D E R

The revision petitioner is the accused in S.T.No.95/99 who stands convicted for the offence under Section 27(d) read with Section 18(a) (vi) of the Drugs and Cosmetics Act read with Rule 65(18) of the Drugs and Cosmetic Rules and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for ten days.

2. I find that the prosecution allegation is that the accused sold physician's sample which are not to be sold. Counsel for the revision petitioner has only sought for modification of the sentence pointing out that more than 10 years have elapsed since the commencement of the proceedings. In the circumstances, considering the long lapse of time, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.5,000/- and in default, to undergo simple

imprisonment for one month. He shall appear before the Judicial First Class Magistrate Court-II, Kanjirappally on 4.9.2007 to receive the sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl